

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HARBORVIEW MASTER FUND, LP,

Plaintiff,

-against-

LIGHTPATH TECHNOLOGIES, INC.,

KENNETH BRIZEL and ROBERT RIPP,

Defendants.

CIVIL ACTION NO. 07 Civ. 9228 (NRB)

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law and accompanying Declaration of Ona T. Wang, Esq., Defendants, through their undersigned counsel, will move this Court at the United States Courthouse at 500 Pearl Street, New York, New York, on a date and time to be set by this Court, for an Order pursuant to Federal Rules of Civil Procedure 9(b) and 12(b) dismissing all claims against them in Plaintiff's Complaint.

Respectfully submitted,

BAKER & HOSTETLER LLP

By: 

Ona T. Wang (OW-5462)

Benjamin D. Pergament (admission pending)

Rebecca S.T. Khalil (New York state admission pending)

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of December, a copy of the foregoing **NOTICE OF MOTION, DECLARATION OF ONA T. WANG and MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS** was filed electronically. Notice of this filing was sent to all parties by operation of the Court's electronic filing system.

A handwritten signature in black ink, appearing to read 'Theresa Blaber', is written over a horizontal line.

Theresa Blaber
Paralegal